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RICHARD W. WIERING
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U.S. DISTRICT COURT
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E-FILING

Attorneys for Plaintiffs
NEW CONTENDERS INC.; DILLON PRODUCTIONS INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

CRS

C08 00017

RS

12 NEW CONTENDERS INC.;
13 DILLON PRODUCTIONS INC.,

Plaintiff,

vs.

15 MIGUEL SANDOBAL doing business as
16 Fiesta Night Club; ROSALIA
17 HERRARA FRIEJE doing business as El
Tropical Latino Restaurant,

Defendants.

COMPLAINT TO RENEW JUDGMENT
PURSUANT TO F.R.C.P. 69(a) AND C.C.P. §
335.5(3)

19 Plaintiffs NEW CONTENDERS INC. and DILLON PRODUCTIONS INC. hereby
20 complain of Defendants MIGUEL SANDOBAL doing business as Fiesta Night Club, and
21 ROSALIA HERRARA FRIEJE doing business as El Tropical Latino Restaurant, for the following
22 claims upon which relief can be granted:

FIRST CLAIM FOR RELIEF.

24 1. Plaintiffs have filed that certain action in the United States District Court, Northern
25 District of California, entitled *NEW CONTENDERS INC.; DILLON PRODUCTIONS INC.,*
26 *Plaintiffs, vs. BRENDA OCHOA URCIAGA, doing business as Margarita's Taqueria, et al.,* Case
27 No. 5:96-cv-20788-RMW, which is now assigned to the Honorable Ronald M. Whyte, Judge of
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COMPLAINT TO RENEW JUDGMENT PURSUANT TO F.R.C.P. 69(a) AND C.C.P. § 335.5(3)
CASE NO.

1 the United States District Court. The Default Judgment was entered by the court on 10/15/97
2 thereunder, a copy of the ORDER FOR JUDGMENT is attached hereto marked *Exhibit "A"* and
3 incorporated by reference as though fully set forth herein.

4 2. Defendants are residents in and to the County of San Jose and/or State of California
5 herein.

6 3. Plaintiffs are corporations doing business in the State of California.

7 4. This court has jurisdiction hereunder as permitted pursuant to 47 U.S.C. 605(e) et seq.,
8 in that this court has jurisdiction in the filing and prosecution of a piracy claim thereunder.

9 5. Under C.C.P. § 337.5(3), Plaintiff may file an independent action by which to renew the
10 judgment therein, which the action thereon is timely, in that this action is filed within 180 days
11 from the date of entry of judgment, in that no notice of entry of judgment was given to the
12 Defendant hereunder. This action is timely under F.R.C.P. 58(b)(2)(B) [150 days], and Rule 4 [30
13 days] of the Rules of Federal Appellate Procedure, in that this action was filed within 180 days of
14 the date of entry of judgment.

15 WHEREFORE, Plaintiff seeks relief, as follows:

16 1. That the Judgment entered in the action of *NEW CONTENDERS INC.; DILLON*
17 *PRODUCTIONS INC., Plaintiffs, vs. BRENDA OCHOA URCIAGA, doing business as*
18 *Margarita's Taqueria, et al.*, Case No. 5:96-cv-20788-RMW, be renewed.

19 2. For costs of suit.

20 3. For such other and further relief as the Court deems just and proper.

21 DATED: December 28, 2007

COOK COLLECTION ATTORNEYS

By

DAVID J. COOK, ESQ. (SB# 060859)

Attorneys for Plaintiffs
NEW CONTENDERS INC.; DILLON
PRODUCTIONS, INC.

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